

Minute Entry
Lisi, C.J.
May 5, 2008

**United States District Court
District of Rhode Island**

In Re: Kugel Mesh Hernia Products Liability Litigation
Multidistrict Litigation (MDL 1842)

MDL DOCKET NO. 07-1842-ML
All Cases

The monthly status conference was held on May 1, 2008. The conference was transcribed. The Court met with counsel and discussed the items listed on the agenda (docket # 860).

Deposition Scheduling – Status of Document Production

The Court was informed that Plaintiffs' counsel cancelled a deposition because Defense counsel could not certify that all applicable documents had been produced. Defense counsel informed the Court that they are collecting documents from prospective deponents and that Defendants' discovery vendor is still processing documents. Consequently, Defense counsel cannot certify that all applicable documents have been produced. The Court informed the parties that depositions should proceed as scheduled and should not be cancelled because of the certification issue. To the extent Defense counsel has identified documents that are responsive to a request, those documents should be produced. Because the discovery vendor is still processing documents, Defense counsel will continue to look for responsive documents and if they identify additional documents, those documents will also be produced. If a document is discovered after a deposition has been conducted, and that document includes new information, Plaintiffs' counsel may request additional time with the deponent to discuss the document.

Defense counsel should produce applicable documents at least 10 days before a scheduled deposition. If Defense counsel cannot produce the documents according to that time frame, Plaintiffs' counsel may request that the deposition be rescheduled.

Defense counsel informed the Court that its discovery vendor should have the full collection of documents available for Defense counsel's review by June 30, 2008. Defense counsel estimated that at this time its discovery vendor has approximately 2,200,000 documents and additional documents will be forwarded to the vendor. It is defense counsel's intent to review and present documents on a rolling basis.

Williams Kherkher / Barker Claim

Plaintiffs' counsel informed the Court that the majority of the Barker claims will be Fed. R. Civ. P. 41(a) dismissals. The parties will discuss these claims and determine whether the

claims can be dismissed by stipulation. Plaintiffs' counsel could not give the Court a precise report with respect to the remaining claims but assured the Court that the matter will be addressed with the Court's clerk in the next week.

Early Neutral Evaluation/Settlement Cases – Update

The parties will forward the Court the names and case numbers of the 10 early neutral evaluation/settlement cases as soon as possible in order to get the information to Magistrate Judge Lovegreen. Counsel will be notified by Magistrate Judge Lovegreen's office of the dates for the settlement conferences and any pre-conference filings Magistrate Judge Lovegreen requires.

Payment of Treating Physician's Time

The parties have a tentative agreement with respect to the payment to treating physicians for the time spent in a deposition. If a problem arises with respect to the agreement, counsel will file a motion.

CTO-13 Answers

Counsel are discussing the manner in which to handle the CTO-13 answers. Counsel will prepare an order memorializing the manner in which they will proceed with respect to the CTO-13 issue.

Pending Motions Update

Two motions are ripe for decision.

1. Plaintiffs' counsel's motion to unseal documents: The Court informed Defense counsel that they have an obligation to review a document and determine whether it includes confidential information. Defense counsel should not simply make a general 100% designation of confidentiality. Based upon the Court's direction to Defense counsel, Plaintiffs' counsel informed the Court that it was withdrawing its motion.

2. Defense counsel's motion to compel tax authorizations: The parties informed the Court that a hearing was not necessary on the motion. Magistrate Judge Almond will review the parties' papers and issue a decision. If Magistrate Judge Almond determines that a hearing is necessary, his clerk will contact the parties.

Next Meeting (Open session)

June 17, 2008, at 1:00 p.m. in Room 151 (Jury Assembly Room) in the United States District Courthouse, Providence, Rhode Island.